

<b>COMPLIANCE BOARD OPINION No. 97-12</b>
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June 4, 1997

*Mr. Robert D. Sparro, et. al.*

The Open Meetings Compliance Board has considered your complaint dated April 18, 1997, concerning the Pocomoke City Council. Your overall concern is whether the City Council has complied with the Open Meetings Act in its consideration of a proposal by a private corporation to construct and operate a medical facility for federal prisoners in the vicinity of Pocomoke City. The implication of your letter is that the City Council must have met to discuss this issue and, if it did so, it failed to comply with the requirements of the Act. You point in particular to a meeting held in Baltimore in November 1996 involving staff of the Maryland Department of Business and Economic Development and the Worcester County Commissioners.

In a timely response on behalf of the Mayor and Council, Mayor Curt Lippoldt acknowledges that “[o]n two occasions members of the Pocomoke City Council and the Mayor were invited to attend presentations regarding [the private corporation’s] interest in locating a facility near Pocomoke City. One occasion was at the Worcester County Commissioners to listen to the proposal of [the company] and another occasion was at the invitation of the Maryland Department of Economic and Business Development, again to listen to the proposal presented by [the company].” Mayor Lippoldt asserts, however, that “[o]n neither occasion did the Mayor and Council convene a quorum for the consideration or transaction of public business. The Mayor and Council have not met in closed session, or open session for that matter, to discuss the [company’s] proposal because no proposal has been made to Pocomoke City.”

The Open Meetings Act applies only to a public body when it is holding a “meeting.” A “meeting” has occurred only when a quorum of the public body has convened for the consideration or transaction of public business. §10-502(g) of the State Government Article. In light of the fact, reported by the Mayor, that no quorum of the Council has assembled to consider the topic of the proposed prison facility, there has been no violation of the Act.

We note that your complaint to this Board appended a letter that you had previously sent to the Mayor and Council, in which you posed a number of questions about this proposed prison facility. Although we understand your desire to learn as much as you can about how your city government views the proposal, the Open Meetings Act is a very limited mechanism for doing so. The Act simply enables members of the public to observe meetings of public bodies. Other means, like the Public Information Act, are available for citizens who wish to inquire about the many activities of government that occur elsewhere than at meetings of public bodies.

OPEN MEETINGS COMPLIANCE BOARD

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